

REMARKS

The claims have been rejected under 35 USC 112, for failing to conform with US practice. Applicant's respectfully submit that the claims, in present form, fully conform with current US practice. Nevertheless, Applicant's have made an attempt to further clarify the claims. Entry of the amended claims is appropriate since it reduces issues for appeal, and since the claims have previously been examined on their merits.

The rejection to claims 1-15 under 35 USC 103(a) as unpatentable over Diffie in view of Szabo has been maintained. The rejection is respectfully traversed.

The Examiner, in paragraph 2 of the Office Action, comments that "there is no substantial evidence that *modifying the system for encryption of information for radio transmission and for authentication of subscribers by authenticating subscribers via subscriber identity mobile cards as taught in Szabo for accessing the radio network of the user group (see Szabo, column 1, lines 60-65)* would render the invention inoperative." Applicant's respectfully disagree with the Examiner.

Szabo, at col. 1, lines 60-65, simply discloses "whether the transmitted subscriber identification authorizes the subscriber to access the radio network." The fact that Szabo discloses authorization of a subscriber to access the radio network does not teach or suggest operation of the combined references. As stated in the previous response, the computer system in Diffie could not be combined with the authentication system in Szabo since Szabo uses IMSI (unique subscriber identifier) instead of the SIM (smart card containing user related data) device found in Diffie. Additionally, Diffie fails to disclose a core network implementing the authentication based on encrypted information (public keys) that have been sent. Rather, Diffie uses radio transmission equipment for implementing authentication.

In paragraph 3 of the Office Action, the Examiner states that "the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious."

Although this statement is generally speaking correct, it simply does not apply to this application or rejection. As noted, there is no reasons why one having ordinary skill in the art would have been motivated to combine the references at the time of the invention. The Examiner states that the reason to modify is obvious since “the system for encryption...via subscriber identity mobile cards as taught in Szabo for accessing the radio network of the user group (see Szabo, column 1, lines 60-65).” However, this does not detail a reason why the skilled artisan would have combined a nomadic computer device found in Diffie with an IMSI authentication system found in Szabo. Rather, the Examiner’s reasoning supposes that these two technologies can be integrated and remain operable, and is at best a hindsight reconstruction of Applicant’s invention.

Regarding the comments in paragraph 4 of the Office Action, the Examiner appears to be mischaracterizing Applicant’s arguments. Applicant’s remarks are not directed to non-analogous arts, but rather to the fact that the different technologies (IMSI and SIM) prevent the combination of references from being operable in the environment disclosed by the invention.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.4491220164.

However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: June 1, 2005

Respectfully submitted,

By 

Kevin R. Spivak

Registration No.: 43,148

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7762